

**REPORT FROM:** DIRECTOR OF PLACE

**TO:** COLNE AND DISTRICT COMMITTEE

**DATE:** 2<sup>ND</sup> NOVEMBER 2023

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## **LAND AT VIVARY WAY, COLNE**

### **PURPOSE OF REPORT**

To recommend that this Committee requests the Executive to consider whether to declare the land shown edged black surplus to requirements or to grant a lease.

### **RECOMMENDATIONS**

That this Committee requests the Executive to consider whether to declare the land surplus to requirements or to grant a lease. If the property is to be sold it is recommended that it be disposed of on a long term lease with a covenant restricting its use, or if a lease is to be granted it is recommended that lease of no longer than 20 years be granted.

That the Director of Place be authorised to negotiate terms if Committee agrees to one of the recommendations.

### **REASONS FOR RECOMMENDATIONS**

There has been an enquiry from a digital advertising company to purchase the land to site a digital advertising board.

If the Executive agrees to sell the land it is recommended that it be sold on a long leasehold rather than a freehold so that any covenants would be easier to enforce in the event of them being breached.

A sale of the land would result in a capital receipt for the Council or a letting would result in an ongoing rental income. These options would reduce the Council's maintenance liabilities.

### **BACKGROUND**

1. The land is maintained by the Council's Operational Services and comprises a grassed roadside verge which adjoins a larger unmaintained Council owned area which is shown shaded grey on the plan, and these are separated with a wooden fence which is in poor repair. There is a designated Protected Route for Transport Use running through the unmaintained area which is

shown on the plan.

2. A request has been submitted by a digital advertising company to purchase the freehold of the land for the siting of a digital advertising board with a height of 3 metres and a width of 6 metres and mounted on a metal post. This would be subject to Planning Permission, and their proposal includes replacing the existing wooden fence and maintaining the land.

## ISSUES

3. There has been a request to purchase the land which would result in the Council receiving a capital receipt and a reduction in maintenance liabilities. If sold on a leasehold it would be easier to enforce covenants, but any sale would take away control from the Council of a site in a main road position and would affect any redevelopment plans for the adjoining land in the future.
4. The Council would receive a rental income if a lease was granted, the land could be taken back in the future in the event of it being required for redevelopment and it would be easier to enforce breaches of lease covenants relating to use and maintenance of the land.
5. If the land was declared surplus to requirements or a lease granted there would be a legal requirement for the Council to advertise the loss of open space for two consecutive weeks in the local press setting out the proposed use and allowing the public to object to the proposal. The proposed use would also require Planning Permission and Highways Consent.

## IMPLICATIONS

**Policy:** The Council seeks to identify surplus property for inclusion in its disposal programme in order to achieve capital receipts.

**Financial:** If the land was declared surplus there would be a capital receipt for the Council or if a lease granted a rental income would be received

**Legal:** No legal implications are considered to arise directly from this report.

**Risk Management:** On disposal of the property all risks and liabilities will cease for the Council or if leased there would be a reduction in these.

**Health and Safety:** No implications are considered to arise directly from this report.

**Climate Change:** No implications are considered to arise directly from this report

**Community Safety:** See risk management

**Equality and Diversity:** No implications are considered to arise directly from this report

## APPENDICES

### LIST OF BACKGROUND PAPERS

None